

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL SMITH,

Plaintiff,

v.

SHERIFF GEORGE MCCLENDON,
THE CITY OF PHILADELPHIA, and
UNNAMED PHILADELPHIA SHERIFFS,

Defendants.

CIVIL ACTION
No. 14-6358

ORDER

AND NOW, this 4th day of May, 2015, upon consideration of Plaintiff's Complaint (Doc. No. 1), Defendants' Motion to Dismiss (Doc. No. 4), and Plaintiff's Response (Doc. No. 5), it is **ORDERED** in accordance with the Opinion issued by the Court on this day that Defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. Defendants' Motion to Dismiss is **GRANTED** with respect to Plaintiff's Fourth Amendment claim, Fourteenth Amendment substantive due process claim, Fourteenth Amendment equal protection claim, and Monell claim. Defendants' Motion to Dismiss is **DENIED** with respect to Plaintiff's claim under Title II of the Americans with Disabilities Act ("ADA"). Defendants are **ORDERED** to file an Answer to Plaintiff's ADA claim within fourteen (14) days from the entry of this Order.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.